



Planning Committee Minutes

Minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday 6 January 2016 at the Civic Centre, Poulton-le-Fylde.

Planning Committee members present:

Councillor I Amos	Councillor Lees
Councillor Lady Atkins	Councillor Orme
Councillor Ballard	Councillor Shewan
Councillor Catterall	Councillor T Taylor
Councillor Greenhough	Councillor Turner
Councillor Ingham	Councillor Walmsley

Apologies: Councillor E Stephenson.

Officers present:

D Thow – Head of Planning Services
L Harper – Development Manager
D Waterworth - Volunteer
W Clarke - Assistant Solicitor
C Leary - Democratic Services Officer

Non-committee members present: Councillors Murphy, Henderson, C Birch, McKay, Hon Alderman McCann and Bannister and County Councillor Alf Clempson.

53 Members of the Public were present at the start of the meeting.

Note: Planning Committee member Councillor T Taylor left the meeting following the debate on item 02 (when the fire alarm went off) – 15/00927/FUL and did not return.

PA. 50 Election of Vice-Chairman

Resolved

That Councillor S Turner be elected as Vice-Chairman for the remainder of the 2015/2016 Municipal Year.

PA. 51 Declarations of Interest

Councillor Shewan, declared that he was judged to have a “prejudicial interest” on Item 02 – Construction of ten beach huts within the existing colonnade - Marine Hall, The Esplanade, Fleetwood – 15/00927/FUL. He made representations at the meeting and then left the room when the item was discussed and had no involvement in the decision making.

PA. 52 Confirmation of minutes

The minutes of the Planning Committee meeting held on Wednesday 2 December, 2015 were confirmed as a correct record.

PA. 53 Appeals lodged and decided

The Head of Planning Services submitted a report on appeals lodged and decided between 15 November 2015 and 15 December 2015.

Resolved

That the position regarding the appeals, as set out on pages 1 - 11 of the report be read and noted and that any Member requiring any further details or clarification on any Appeal, should contact the relevant Case Officer.

PA. 54 Planning Applications

The Head of Planning Services submitted applications and reports to be considered.

The Head of Planning Services also submitted ‘update sheets’ on both Agenda Items, referring to additional information to the reports since the agenda had been published on both those particular applications.

- 15/00846/FUL – 61 Blackpool Old Road, Poulton-le-Fylde, Lancashire, FY6 7DL
- 15/00927/FUL – Marine Hall, The Esplanade, Fleetwood

PA. 55 a) Applications Approved

RESOLVED that the undermentioned applications be **APPROVED** under the provisions of the Town and Country Planning Act 1990, as set out below:

15/00846/FUL

Kingswood Homes NW Ltd. Erection of one detached dwelling with detached garage and a detached garage for No.61 (following demolition of existing detached garage) (resubmission of 15/00348/FUL). 61 Blackpool Old Road, Poulton-Le-Fylde, Lancashire, FY6 7DL.

The application was before members for determination at the request of Councillor's Colette Birch and Lesley McKay. A site visit was undertaken to enable Members to fully understand the proposed development and how it sits within its surroundings.

There were 42 members of the public, two Ward Councillors and a County Councillor in attendance at the meeting. 5 members of the public spoke to the committee, objecting to the application. An objection letter was read out by one Ward Councillor and the other Ward Councillor and the County Councillor spoke to the committee, objecting to the application.

One supporter and the applicant spoke to the committee, supporting the application.

The application was **APPROVED** as per the recommendation in the report of the Head of Planning Services, with the following amendments to condition 16, as follows:

Conditions and Reasons: -

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 12th October 2015, including the following plans:

- Location Plan Received 12th October 2015
- Drawing No. A15.1/20 Site Plan Received 27.11.2015
- Drawing No. A15.1/21 Setting Out Plan Received 27.11.2015
- Drawing No. A15.1/23 Proposed Levels Received 27.11.2015
- Drawing No. A15.1/24 rev A Plans and Elevations Received 30.11.2015
- Drawing No. A15.1/25 Double Garage Plans and elevations Received 27.11.2015
- Drawing No. A15.1/26 rev A Replacement Garage Plans and elevations Received 11.12.2015
- Drawing No. A15.1/27 Entrance / drive area Received 27.11.2015

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details.

3. No works or development shall take place until full details of both hard and soft landscape works has been submitted to, and approved in writing by, the Local Planning Authority and these works shall be carried out as approved. These details shall include hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.); retained

historic landscape features and proposals for restoration, where relevant. Details of soft landscape works, including any new hedges, transplanted and or replanted hedgerows, shall include planting plans; method statement for landscape and ecology retention, written specifications (including cultivation and other operations associated with plant, grass and hedgerow establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and to provide compensation for habitats lost to the scheme.

4. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority and shall thereafter be retained and maintained. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced as soon as is reasonably practical by others of similar size and species to those originally required to be planted unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. Those trees identified as being retained on the approved Site Plan shall not be removed as part of this development. For those trees not shown as being retained, no tree demolition shall be carried out between March and July (inclusive) in any year unless a detailed bird nest survey has been carried out by a suitably qualified ecologist immediately prior to any clearance and written confirmation that no bird nests are present has been provided in writing to the Local Planning Authority. Their removal must also be in accordance with BS3998: 2010 Treeworks recommendations.

Reason: In the interests of the visual amenity and ecology of the area and in accordance with the National Planning Policy Framework.

6. Prior to the commencement of development hereby approved, a surface water drainage scheme for the site and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (including results from percolation tests to be provided for approval to ensure that ground conditions are suitable for use of soakaways), shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be implemented in accordance with the approved details before the development is completed, and subsequently maintained and managed in accordance with the approved details.

Reason: To prevent the increased risk of flooding, both on and off site and to ensure the site is adequately drained in accordance with saved Local Plan policy ENV15 and CIS7 and the National Planning Policy Framework.

7. Prior to commencement of development, full details of mitigation measures for nesting birds including a timescale for implementation shall be submitted to and agreed in writing by the Local Planning Authority. These mitigation measures shall be implemented and maintained in accordance with this agreed detail.

Reason: In the interests of the ecology of the area and in accordance with the National Planning Policy Framework.

8. Prior to commencement of development, an Arboricultural Method Statement and Tree Protection Plan for T3: Horse Chestnut together with details of Tree protective fencing for the white poplar within the neighbouring garden of No.63 adjacent to the western site boundary shall be submitted to and agreed in writing by the Local Planning Authority. Adherence to these agreed details will be required at all times until all development is completed.

Reason: To ensure these trees are afforded the necessary protection in the interests of amenity and ecology in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the NPPF.

9. That part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmac, concrete, block pavements, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users in accordance with saved Local Plan Policy SP14.

10. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling and garages hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To ensure that the materials have a satisfactory appearance and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. No development shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and agreed in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the scheme implemented to the satisfaction of

the Local Planning Authority prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive land use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). It is considered the Phase 1 Desk Study submitted with the planning application requires further detail which was not forthcoming during the application stage.

12. No development shall commence until details of the means of enclosure of the site have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be constructed in full accordance with the approved details and all boundary treatments shall be retained or replaced (in accordance with the approved details) at all times thereafter.

Reason: To safeguard the amenity of the area and in the interests of the amenity of neighbouring properties in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the NPPF.

13. The first floor windows in the side elevations of the dwelling hereby approved shall be fitted with obscure glass of a level 5 grade (most obscure) and shall thereafter be retained with this glazing. Any subsequent repaired or replacement windows shall be fitted with this same level of obscurity.

Reason: To safeguard the privacy of adjacent residents and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the garages shall not be used for any purpose which would preclude their use for the parking.

Reason: The retention of adequate parking space within each property curtilage is of importance in safeguarding the appearance of the locality and highway safety and avoid the overall streetscene from becoming dominated by car parking, in accordance with the provisions of Policy SP14 of the Wyre Borough Local Plan (1999) and the provisions of paragraph 17 of the NPPF.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwelling hereby approved shall not be altered or extended, nor shall any building, structure or enclosure be erected within the curtilage of the dwelling other than those hereby approved without the prior planning permission of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority have control over any future development of the dwelling to safeguard residential amenity and the amenity of the area in accordance with the provisions of Policy SP14 of the Adopted Wyre

Borough Local Plan (July 1999).

16. Prior to commencement of development a detailed construction (arboricultural) method statement with the input of an arboriculturalist to limit as much as possible excavation works with respect to the widening / realignment of the existing driveway shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in full accordance with this agreed construction method statement.

Reason: To avoid adverse impacts on tree roots within the Root Protection Area of T2 Birch in accordance with Policy SP14 and ENV10 of the Adopted Wyre Borough Local Plan (July 1999).

17. This development does not permit alterations to existing ground levels to garden areas or the existing banked garden frontage as indicated on the approved plans without the prior written consent of the Local Planning Authority following the submission of appropriate details.

Reason: To ensure that the development has a satisfactory appearance, to reduce any adverse impact on nearby trees and to reduce increased risk of flooding onto neighbouring properties in accordance with Policies SP14, ENV7, ENV9 and ENV10 of the Adopted Wyre Borough Local Plan (July 1999).

Attention is drawn to the following notes: -

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority can carry out these works and therefore before any access works can start you must contact Lancashire County Council quoting the planning application number. Online applications can be made through the following link <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>

2. Some crown raising of T2 Silver Birch may be required for site plant vehicles during construction works. This would need to be agreed formally through the submission of an application for tree works to the Council due to T2 being subject of TPO 17 of 2013

3. The developer's attention is drawn to the following comments by United Utilities: Each individual unit will require a separate metered supply at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Any further information regarding Developer Services and Planning please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

Water Comments - Each individual unit will require a separate metered supply at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. The level of cover to the water mains and

sewers must not be compromised either during or after construction. Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains/public sewers. Should this application be approved the applicant must contact our water fittings section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 1DS.

General comments - It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offer a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 0870 751 0101 to obtain maps of the site. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

4. All site investigations and assessments shall be carried out by appropriately qualified personnel, in accordance with British Standard 10175:2001 "Investigation of Potentially Contaminated Sites - Code of Practice".

5. All site investigations and assessments shall be in accordance with current Government and Environment Agency Guidance, and shall identify the type, nature and extent of any contamination present, the risk to receptor's and the potential for migration within and beyond the site boundary.

6. Any laboratory used for the purposes of sample analysis shall be registered to the ISO17025:2000 quality standard.

7. A sampling analysis programme shall verify the adequacy of any decontamination works.

8. The responsibility for the safe development and secure occupancy rests with the developer. The Local Planning Authority may only determine the suitability of any scheme for investigation/remediation submitted, on the basis of the information submitted to it. Under no circumstances will the Local Planning Authority accept liability for inadequate remediation of the site.

9. The presence of any significant contamination, which becomes evident during the development of the site, shall be brought to the attention of the Local Planning Authority.

10. The development falls within 250 metres of an area of infilled ground (the nature of the fill is unknown). It is therefore recommended that precautionary measures should be taken in the form of a gas monitoring programme or provision of gas protection measures.

15/00927/FUL

Mr James Holden – Wyre Council. Construction of ten beach huts within the existing colonnade. Marine Hall, The Esplanade, Fleetwood, Lancashire, FY7 6HF.

This application was before Committee members at the request of Councillor R Duffy. A site visit was undertaken to enable Members to fully understand the proposed development and how it sits within its surroundings.

Three Wyre Councillors including the Ward Councillor, two Fleetwood Town Councillors and three members of the public spoke to the committee objecting to the application.

Committee Councillor Shewan spoke in objection to the application.

Following the open and frank debate on the above application and during the summing up by the Head of Planning Services, the fire alarm went off and everyone had to vacate the building. Upon returning to the building, the meeting continued.

The application was **APPROVED** as per the recommendation in the report with the following amendments to condition's 3 and 4 as follows:

Conditions and Reasons: -

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 10th November 2015 including the following plans and documents:

- Flood Risk Assessment
- Demolition plan ref. 003/15/P3
- Proposed plan ref. 001/15/P5
- Proposed plan ref. 001/15/P3

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

3. Prior to the commencement of development, samples and details of the materials to be used on the external elevations of the beach huts hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in full accordance with these approved details.

Reason: In the interests of the appearance of the site and locality in accordance with Policy SP14 of the Wyre Borough Local Plan (1999) and paragraph 17 of the NPPF.

4. No personal items associated with the use of the beach huts shall be stored to the rear of the beach huts where they would be visible from the Marine Hall gardens. For the purpose of this condition, personal items associated with the use of the beach huts would include but not be limited to items such as clothing, sports equipment, inflatables for use in the water, cooking equipment, decorations, furniture and plants.

Reason: In the interests of the appearance of the site and locality in accordance with Policy SP14 of the Wyre Borough Local Plan (1999) and paragraph 17 of the NPPF.

5. No kitchen or bathroom facilities shall at any time be provided within the beach huts hereby approved.

Reason: In order to prevent the potential for pollution or contamination from waste water or refuse given the ecological sensitivity of the surrounding area and in order for the Local Planning Authority to retain long-term control over the use of the beach huts which, by virtue of their nature and location are not considered suitable for use as living accommodation. This condition is considered to be necessary in accordance with Policy SP14 of the Wyre Borough Local Plan (1999) and paragraphs 17 and 118 of the NPPF.

6. The beach huts hereby approved shall not be used for overnight sleeping occupation.

Reason: In order to the Local Planning Authority to retain long-term control over the use of the beach huts and because, by virtue of their nature and location, the beach huts are not considered to be suitable for use as residential accommodation. This condition is considered to be necessary in accordance with Policy SP14 of the Wyre Borough Local Plan and paragraph 17 of the NPPF.

7. No works involved in the construction of the beach huts hereby approved shall take place between October to March inclusive in any calendar year.

Reason: In order to avoid any detrimental impact on over-wintering bird populations on the adjacent designated sites of nature conservation value in accordance with the provisions of paragraph 118 of the NPPF.

8. Prior to the commencement of development, a scheme of measures to avoid environmental pollution through the emission of dust or contaminated run-off during the construction and operational stages shall be submitted to and agreed in writing by the Local Planning Authority. Development shall then proceed in full accordance with this agreed scheme.

Reason: In order to avoid harm to the nature conservation objectives of the neighbouring designated nature conservation sites in accordance with the provisions of paragraph 118 of the NPPF.

The meeting started at 2pm and finished at 4.25pm.

Date of Publication: Monday 11 January, 2016

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